

United States Courts
Southern District of Texas
FILED

JAN 12 2020

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

Vs.

Loren Julius POGUE

CRIMINAL COMPLAINT

Case Number: 2:20-MJ-108

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about January 10, 2020 in Kenedy County, in the Southern District of Texas, defendant, Loren Julius POGUE

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

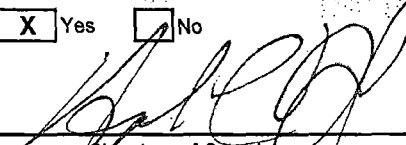
in violation of Title 8 United States Code, Section(s) 1324
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:
Official Title

See Attached Affidavit of U.S. Border Patrol Agent Angel C. Davila

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Submitted by reliable electronic means, sworn to, signature attested telephonically per Fed.R.Crim.P.4.1, and probable cause found on the:


Signature of Complainant
Angel C. Davila
Printed Name of Complainant

January 12, 2020

Date

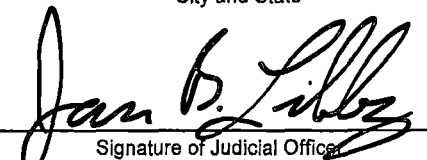
at

Corpus Christi, Texas

City and State

Jason B. Libby U.S. Magistrate Judge

Name and Title of Judicial Officer


Signature of Judicial Officer

AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

Probable Cause/Facts:

On January 10, 2020, at approximately 7:50 P.M., a red in color Ford Fusion approached the primary inspection area of the Javier Vega Jr. Border Patrol Checkpoint near Sarita, Texas. Border Patrol Agent (BPA) M. Gonzalez, was performing assigned primary inspection duties.

When the vehicle came to a complete stop the agent asked the driver, later identified as Loren Julius POGUE, if he was a United States citizen. POGUE answered by saying "yes, sir". BPA M. Gonzalez then asked the front seat passenger if he was also a United States citizen. He answered by saying "yes". BPA M. Gonzalez then looked into the back seat area of the vehicle and observed a large silver plastic container sitting on the back seat. BPA M. Gonzalez then asked POGUE where they were travelling to and POGUE answered by saying that they were travelling to Fort Worth, Texas. Typically, people travelling to work store tools, heavy equipment and safety equipment in large containers such as the one that was in the back seat, so BPA M. Gonzalez asked POGUE if they were travelling to Fort Worth, Texas to work and he answered by saying "no, we're going to visit family". It was at this time that BPA M. Gonzalez noticed that his demeanor changed and he became nervous. BPA M. Gonzalez then asked POGUE if it would be ok if he looked in the trunk and POGUE said "yeah, sure" and opened it from the inside. When BPA M. Gonzalez opened the trunk and peered into it, he observed that there was random items spread around inside of it. When BPA M. Gonzalez looked to the rear of the trunk, he observed a person's ear protruding from behind a small pile of clothing. It was at this time that BPA M. Gonzalez referred POGUE to the secondary inspection area and inform the other agents assigned to the checkpoint that he had discovered a possible alien smuggling attempt.

Once in the secondary inspection area, Border Patrol Agents discovered a subject, later identified as LOPEZ-Chacon, Rolando Javier, concealed in the rear of the trunk and another subject concealed inside the large plastic container that was on the back seat. Agents questioned as to their citizenship and both subjects freely admitted to being citizens of Mexico and Ecuador. It was at this time that all subjects, including POGUE and the front seat passenger were placed under arrest and escorted into the Javier Vega, Jr. United States Border Patrol Checkpoint for further processing.

Miranda Rights:

All subjects were advised of their Miranda Rights in their preferred language. All subjects acknowledged they understood their rights. All subjects were willing to provide statements without the present of an attorney.

Defendant Loren Julius POGUE statement:

POGUE stated an acquaintance named Carlos, made a post on social media site Snapchat, saying that he had a way to make a lot of money and to contact him for more details. POGUE further stated he contacted Carlos and Carlos told POGUE that he would get \$900 U.S. currency for each alien that he smuggled. POGUE later met Carlos today and was given two aliens to smuggle through the Border Patrol Checkpoint. POGUE stated he placed one of the aliens in the trunk of

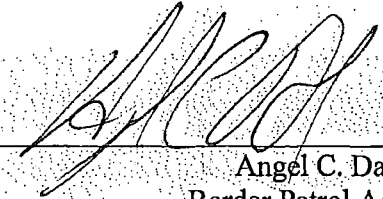
the vehicle, in Raymondville, Texas and that the other one got in to the large container once they got near the checkpoint and that he, POGUE, put the lid on the container.

Material Witness Rolando Javier LOPEZ-Chacon statement:

LOPEZ-Chacon stated he left his home (Ecuador) approximately eight days ago and illegally crossed into the United States three days ago. Once in the United States, LOPEZ-Chacon states he was taken to an unknown home where he stayed for two days. On Friday, January 10, 2020, he was picked up and taken to an unknown location where a red color vehicle was waiting. LOPEZ-Chacon stated there was already two men (POGUE and unknown subject) waiting in the red vehicle. LOPEZ-Chacon stated he was sitting in the backseat of the red vehicle when the last person arrived. LOPEZ-Chacon stated he was told to get into the trunk of the vehicle by the driver (POGUE, Loren Julius) and was not told how to get out of the trunk in case of an emergency. LOPEZ-Chacon stated he was afraid the entire time he was in the trunk. LOPEZ-Chacon stated he was trying to get to New York.

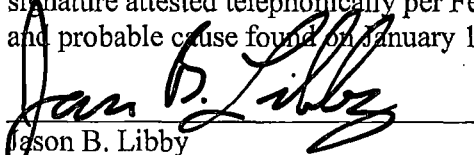
Disposition:

The case was accepted by the Assistant United States Attorney's Office against Loren Julius POGUE for prosecution 8 USC 1324, Alien Smuggling. Rolando Javier LOPEZ-Chacon was kept as Material Witness.



Angel C. Davila
Border Patrol Agent

Submitted by reliable electronic means, sworn to,
signature attested telephonically per Fed.R.Crim.P.4.1,
and probable cause found on January 12, 2020.


Jason B. Libby
United States Magistrate Judge